IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6159 OF 2005

Newton Equipments Pvt. Ltd. & Ors.....Petitioners

Versus

State of Maharashtra & Ors.....Respondents

Mr. P.B. Shah for the Petitioners
Mrs. S.S. Bhende, AGP for respondent Nos. 1 and 2.
Mr. K.V. Tembe, for Respondent NO.3.

CORAM: F.I. REBELLO &
DR.D.Y. CHANDRACHUD, JJ.
DATE : 4TH OCTOBER, 2005

P.C.:

. By the present petition the petitioner wants this Court to issue a direction to Respondent No.3 to identify the sickness of the petitioner Unit and to undertake the viability study of the petitioner unit. For failure to pay the money the respondent No.3 has already got an award/certificate against the petitioner. In other words the petitioners are not in a position to pay the dues of respondent No.3. In these circumstances it will not be possible for this Court to consider the reliefs as prayed for by the petitioners in the present petition. Learned Counsel for the petitioners seeks to rely on the judgment of a learned single Judge of this Court in M/s.Chemiequip Ltd. & Anr. vs. Bank of Baroda & Ors., in Writ Petition No.1304 of 1986 decided on 6th January, 1987. That was a petition in respect of a bank which was

"State" within the meaning of Article 14 and it is in that context that the learned single Judge was considering the controversy. Another Division Bench of this Court has taken a view that once a decree is obtained the various schemes of the R.B.I. cannot be considered. Considering the above, in our opinion, this would not be a fit case for this Court to exercise extra ordinary jurisdiction. Hence, petition rejected.

2. The movable property is already attached. The respondents not to take any steps to sell the property for a period of three months. In the meantime the Respondents only to take formal possession.

(F.I.REBELLO, J.)

(DR. D.Y. CHANDRACHUD, J.)